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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,944	11/19/2001	Antonio J. Colmenarez	US010421	9176

24737 7590 02/09/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

VU, THANH T

ART UNIT PAPER NUMBER

2174

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,944

Applicant(s)

COLMENAREZ, ANTONIO J.

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 09/23/2004.

Claims 1-20 are pending in this application. In the Amendment, claims 17-20 were added, and claims 2, 10, and 14 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Maruno et al. (“Maruno”, US 6,191,773).

As per claim 1, Maruno teaches a video display device comprising: a display configured to display a plurality of selection options (Fig.1, col.4, lines 32-40, *displaying a plurality of selection options such as menu 201, 202*); a processor operatively coupled to the display and configured to sequentially highlight each of the plurality of selection options for a period of time and configured to receive a selection gesture from the user for selecting a highlighted selection option (col.1, lines 40-55, *indicating display objects sequentially by hand movement recognition*).

As per claim 3, Maruno teaches the video display device wherein the processor is configured to highlight each of the plurality of selection options by causing the display to alter a display characteristic for one of each of the plurality of selection options for the period of time (Fig.1, *selected menu 201 is highlighted to distinguish it from menu 202*).

As per claim 4, Maruno teaches the video display device comprising an audio output device, wherein the processor is configured to highlight each of the plurality of selection options by causing the audio output device to sequentially output an audio indication associated with a corresponding one of each of the plurality of selection options (col.5, lines 31-45, *using sound or voice from the display device in tune with the emphasis display*).

As per claim 5, Maruno teaches the video display device of claim 1, comprising a camera operatively coupled to the processor for acquiring an image of the user containing the selection gesture (Fig.1, *CCD camera 3*, col.4, lines 33-34).

As per claim 6, Maruno teaches the video display device wherein the image information is contained in a plurality of images and wherein the processor is configured to analyze the plurality of images to determine the selection gesture (Fig.2, lines 40-54, *shape identifying means analyzes images to determine selection gesture*).

As per claim 7, Maruno teaches the video display device wherein the image information is contained in a plurality of images and wherein the processor is configured to determine the selection gesture by analyzing the plurality of images and determining a trajectory of a hand of the user (Fig.4, lines 40-54, *shape identifying means analyzes the plurality of hand images and calculates the image difference of the trajectory of the hand*).

As per claim 8, Maruno teaches the video display device wherein the processor is configured to determine the selection gesture by analyzing an image of the user and determining a posture of a hand of the user (Fig.4, col.4, line 67- col.5, line 30, *contour depicting unit 222 depicts the posture of a hand of the user*).

As per claim 9, Maruno teaches the video display device wherein the video display device is a television (col.1, lines 7-10, *display such as a television*).

As per claim 10, Maruno teaches a method of providing a user interface containing a plurality of selection options, the method comprising the acts of: displaying a plurality of selection options (Fig.1, col.4, lines 32-40, *displaying a plurality of selection options such as menu 201, 202*); highlighting each one of the plurality of selection options sequentially (col.1, lines 40-55, *indicating display objects sequentially by hand movement recognition*); and analyzing an image of the user to determine whether the image contains a selection gesture for a highlighted selection option (Fig.2, lines 40-54, *shape identifying means analyzes images to determine selection gesture*).

Claims 11-13, and claims 15-17 are similar in scope to claims 6-8 respectively and therefore are rejected under similar rationale.

Claim 14 is similar in scope to claim 10 and therefore is rejected under similar rationale.

Per claim 18, Maruno teaches the video display device of claim 1, wherein the processor highlights a next of the selection options in response to determining that the selection gesture has not been received when a current one of the selection options is highlighted (figs. 7A and 7B; col. 5, lines 35-45; the examiner considers the selection gesture to be the user maintaining the

Art Unit: 2174

same hand shape for a specific time when a current one of the section is highlighted. The examiner interprets the processor highlights a next of the selection options in response to determining that the selection gesture has not been received to be the processor highlights a next of the selection options in response to determining that the user does not maintaining the same hand shape for a specific time by pointing out two finger as in fig. 7(B).)

Claim 19 is rejected under the same rationale as claim 17.

Claim 20 is rejected under the same rationale as claim 17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maruno et al. ("Maruno", US 6,191,773) and Ullmann et al. ("Ullmann", U.S. Pat. No. 6,677,965).

As per claim 2, Maruno teaches the video display device of claim 1, but does not teach wherein the processor is configured to highlight each of the plurality of selection options by causing the display to display only one of each of the plurality of selection options for the period of time. However, Ullmann teaches wherein the processor is configured to highlight each of the plurality of selection options by causing the display to display only one of each of the plurality of selection options for the period of time (fig. 3b; col. 3, lines 5-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the list control as

Art Unit: 2174

taught by Ullmann in the invention of Maruno in order to save the display space or to display the list control where a display space is limited.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Maruno does not teach "where selection options are highlighted, and a selection gesture is received from a user for selecting a highlighted selection option". The examiner does not agree because Maruno teaches where selection options are highlighted (figs. 7A and 7B; selection options are highlighted when the user points out one or two finger see col. 5, lines 33-41), and a selection gesture is received from a user for selecting a highlighted selection option (figs. 7A and 7B; a selection gesture is received from the user when the user maintains the same hand shape for a period of time see col. 5, lines 43-45.)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2174

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Vu


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